

Tribal Self-Governance Demonstration Project

# SOVEREIGN NATIONS

January, 1994

Volume 3

Number 1



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## The Best of Health

Tribes/Federal Government working toward good health policies



# Enhancing the Intergovernmental Partnership

*The following recent Presidential Executive Order, "Enhancing the Intergovernmental Partnership", includes Tribal Governments in the process to waive or alter burdensome Federal regulations. This President Clinton policy and Vice President Gore's "Reinvent Government" proposals are strikingly similar to Tribal Self-Governance principles and objectives.*

The Federal Government is charged with protecting the health and safety, as well as promoting other national interests of the American people. However, the cumulative effect of unfunded Federal mandates has increasingly strained the budgets of State, local, and Tribal Governments. In addition, the cost, complexity and delay in applying for and receiving waivers from Federal requirements in appropriate cases have hindered State, local, and Tribal Governments from tailoring Federal programs to meet the specific or unique needs of their communities. These governments should have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.

THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce the imposition of unfunded mandates upon State, local, and Tribal Governments; to streamline the application process for and increase the availability of waivers to State, local, and Tribal Governments; and to establish regular and meaningful consultation and collaboration with State, local, and Tribal Governments on Federal matters that significantly or uniquely affect their communities, it is hereby ordered as follows:

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*These governments should have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.*

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**Section 1. Reduction of Unfunded Mandates.** (a) To the extent feasible and permitted by law, no executive department or agency ("agency") shall promulgate any regulation that is not required by statute and that creates a mandate upon a State, local, or Tribal Government, unless:

(1) funds necessary to pay the direct costs incurred by the State, local, or Tribal Government in complying with the mandate are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of regulations containing the proposed mandate, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected State, local, and Tribal Governments, the nature of their concerns, any written communications submitted to the agency by such units of government, and the agency's position supporting the need to issue the regulation containing the mandate.

(b) Each agency shall develop an effective process to permit elected officials and other representatives of State, local, and Tribal Governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

**Section 2. Increasing Flexibility for State and Local Waivers.** (a)

Each agency shall review its waiver application process and take appropriate steps to streamline that process.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State, local, or Tribal Government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State, local, and Tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the fullest extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefore.

(d) This section applies only to statutory or regulatory requirements of the programs that are discretionary and subject to waiver by the agency.

**Section 3. Responsibility for Agency Implementation.** The Chief Operating Officer of each agency shall be responsible for ensuring the implementation of and compliance with this order.

**Section 4. Executive Order No. 12368.** This order shall supplement but not supersede the requirements contained in Executive Order No. 12886 ("Regulatory Planning and Review").

**Section 5. Scope.** (a) Executive agency means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(b) Independent agencies are requested to comply with the provisions of this order.

**Section 6. Judicial Review.** This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

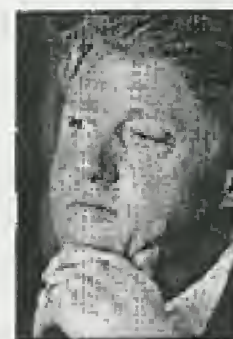
**Section 7. Effective Date.** This order shall be effective 90 days after the date of this order.

*William Clinton*

THE WHITE HOUSE  
October 26, 1993

## ON THE COVER

As implied in the strength of this young Tribal member, good health of both body and spirit are fundamental in the pursuit of self-determination. This edition of SOVEREIGN NATIONS features several updates on work being done to enhance Indian health programs. The integration of Self-Governance into the Indian Health Service helps make the prospect of such change a reality.



President Clinton



# Senator McCain: Speaking Out for Self-Governance

*The following message from U.S. Senator John McCain regarding Senate Bill 1618 was printed in The Congressional Record on November 23, 1993.*

Mr. President, on November 4, 1993, I introduced S. 1618, the Tribal Self-Governance Act of 1993. I have been joined in this effort by Senators INOUYE, MURKOWSKI, GORTON, SIMON, WELLSTONE, DURENBERGER, CAMPBELL, and REID. S. 1618 would establish Self-Governance as a permanent policy within the Department of the Interior and would provide the opportunity for an annual increase in the number of Self-Governance Tribes. In addition, the bill would provide authority for the Secretary of the Interior to promulgate regulations by adapting the general requirements of the Negotiated Rulemaking Act of 1993, as amended (Public Law 101-643).

Mr. President, since 1988 the Department of the Interior has conducted Self-Governance under demonstration authority. The goal of this demonstration project was to

examine the benefits of allowing Indian Tribal Governments to assume more control over programs and services to their members which are now largely provided through the Bureau of Indian Affairs (BIA). The project permits participating Tribes to enter into compacts for Self-Governance and annual funding agreements with the Federal Government. Pursuant to these agreements, management authority over specific programs and services is transferred from the BIA to Indian Tribal Governments. In turn, each participating Tribal Government is allowed to redesign and operate those programs and services with minimal regulation and BIA involvement.

I have received numerous letters from Self-Governance Tribes endorsing permanent Self-Governance legislation. These letters include examples of the many positive effects that Tribes have experienced under Self-Governance, such as improvements in education, economic development, law enforcement, Tribal courts, forestry, public works, community services, cultural programs and Tribal Government operations. In general, Self-Governance Tribes testified before the Committee on Indian Affairs that:

They are able to more effectively design programs and services that meet the needs of Tribal members;

Self-Governance has made Tribal Governments more responsive to the concerns of



U.S. CAPITOL

Tribal members; and  
Self-Governance has allowed them to be more independent of the Bureau of Indian Affairs.

Mr. President, for too long the Federal Government has dictated the policies and procedures that govern Federal Indian programs. Self-Governance, on the other hand, returns the management and decision-making authority to the Tribes and gives the Tribes the flexibility to design and allocate funding in a manner that each Tribe determines will best meet the needs of its citizenry.

*(Continued on page 8)*

## SOVEREIGN NATIONS

SOVEREIGN NATIONS is a monthly publication of the Tribal Self-Governance Demonstration Project. The purpose of the publication is to disseminate accurate information about Self-Governance. Complimentary subscriptions are available through the Communication & Education Project. Materials contained herein can be reproduced, with proper credits. Appropriate editorial contributions and correspondence are welcome.

Self-Governance is a Tribally-driven initiative intended to provide Tribal governments more control over their own destinies. The project fosters the shaping of a "new partnership" between Tribal governments and the government of the United States. We believe that excellence in related communication and education is fundamental to the achievement of these goals.

### Note to contributors/editors:

We encourage your input, but cannot guarantee acceptance due to time and space constraints inherent in the publication of this newsletter.

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## IHS Director Pledges Change within Agency

Dozens of Tribes met with officials of the Indian Health Service (IHS) and other federal officials in Las Vegas November 9-11 to discuss issues related to the implementation of the Tribal Self-Governance Project in the IHS.

Following two days of frank discussion regarding various challenges involved with this implementation, a letter consolidating the views of participating Tribes was produced and hand-delivered to Mike Lincoln, Acting IHS Director. Following are some of the details of that letter:

The principles of the Self-Governance initiative were reiterated:

- Self-Governance is a Tribally-driven initiative.
- The process defines the new Federal/Tribal relationship on a government-to-

government, nation-to-nation foundation through bilateral negotiated settlements.

- The process returns decision-making authority and management responsibilities to the Tribes.

Key issues identified in the letter included:

1. Protocol of Implementing Self-Governance within IHS/HHS – Active Tribal participation in the decision-making process is essential. The Tribes strongly feel that a formal written directive must be established at the Secretarial level providing for this representation and participation in policy development.
2. IHS Self-Governance Policy Council – The Tribes urge that IHS establish a council similar to the Policy Council within the Department of Interior, with the exception

*(Continued next page)*



# President's Health Care Reform Act Introduced

President Clinton's Health Security Act (S1757/HR3600) was formally introduced in both houses of Congress on November 20, representing a comprehensive and massive overhaul of the current health care system. The proposal would change health services to all Americans, including Indians and Alaskan Natives. Indians would, however, continue to have the option of receiving care through the Indian Health Service (IHS) system, including Tribal health programs operated pursuant to Indian Self-Determination Act contracts and Self-Governance compacts.

Regardless of whether Indians choose to enroll in a private health plan or remain in the IHS system, they would remain entitled to continue to receive all supplemental benefits and services from the IHS which are not included within a mandatory set of benefits under the act. While care in the IHS system would remain free, Indians choosing to enroll in private health plans would be responsible for payments to the same extent as non-Indians. The act would require the IHS, as well as Tribal contractors and compactors to provide a comprehensive benefit package to all eligible beneficiaries by January 1, 1999.



**IHS Director** (Continued from page 3)  
that its make up would be equally comprised of members of the IHS/HHS and Tribal leadership.

3. Office of Self-Governance – Tribal leadership must be actively involved in identifying the qualifications and selection of the staff of the Office of Self-Governance. IHS must understand that a Federal agent assigned the responsibility of carrying out self determination and self governance must be an advocate on behalf of the Indian nations.

4. Self-Governance Compacts and Annual Funding Agreements – These documents are negotiated on a government-to-government basis and are legal, binding documents. Unilateral changes to these agreements constitute a breach of contract, actionable in a court of law. Any changes to these agreements must be in writing and mutually agreed to by both parties.

5. Inclusion of Indirect Cost – As agreed to during 1994 negotiations with the Self-Governance Compact Tribes, funds allocated to a Tribe for indirect costs or contract support shall be calculated by multiplying a Tribe's negotiated indirect cost rate times the total amount of Tribal shares in the funding agreement. Tribal shares negotiated at the headquarters and area office levels should be included in

the direct funding base to which the indirect cost rate is applied. Title III allows Tribes to reprioritize and reprogram these funds into categories consistent with their operations, needs and priorities. How a Tribe spends these monies determines whether they are direct or indirect costs. Immediate response was requested.

6. Advance payments – As agreed to during 1994 negotiations, payment to Self-Governance Tribes shall be, as funds become available, an advance lump sum as authorized in the Federal budget. Immediate response was requested.

7. Shortfall funding – Shortfall funds have two purposes: 1. Provide financial assistance for Tribal transition costs in implementing the Self-Governance project (including review and analysis of the project and complying with reporting/accountability requirements), and 2. Providing for agency transition costs for Compacting. Tribes feel a set funding level must be established to provide for Tribal transition. The recommendation to IHS is that a base level of \$50,000 per Tribe be established and included in annual funding agreements for FY 1994.

8. Access and Distribution of All Reimbursement/Competitive Funds – A task force will be established to develop distribution methods for funds yet to be

made available. Individuals recommended to serve as Tribal representatives include Carolyn Michels, Norton Sound Health Corporation (Chair); Cyndi Holmes, Jamestown S'Klallam Tribal Self-Governance Coordinator; Dwayne Hughes, Absentee Shawnee Self-Governance Coordinator; Joe Tallakson of Sense Inc.; Phil Baker-Shenk, Attorney; Brent Simcoski, Squaxin Island Tribe Self-Governance Coordinator; and Linsey Manning, Duck Valley Tribal Chair.

9. Other issues to be addressed include application of DOI/BIA regulation waiver process to IHS, classification of all Tribal shares as part of the Tribal recurring base, simplification of planning grants regulations.

Acting Director Lincoln pledged to work with the Self-Governance Tribes on all these issues, in the interest of supporting the success of the Self-Governance project. Describing the process as "an incredible opportunity for IHS to work with Tribal governments in a new way," he pledged that change would occur within the agency. Stating that he had been informed by the Senate Appropriations Committee that the process has its highest priority support, he pledged that he would work with the Self-Governance Tribes to help assure that the process "is as successful as it must be."



# Tribal Self-Governance and the Federal Budget Process

Following are excerpts from a special presentation by Dale Risling, Sr., Chairman, Hoopa Valley Tribe, at the National Congress of American Indians' Annual Conference, Reno, Nevada, November 30, 1993:



Dale Risling, Sr.

Life is a struggle for survival and a journey towards an improved quality of life. I believe Tribal Self-Governance is a definitive journey towards restoring and strengthening the government-to-government relationships each individual Tribal government has with the United States.

*• Either Tribal governments and people must create and protect their reality or someone else will create it for us.*

When our forefathers signed the treaties or negotiated the agreements with the United States during the last century, the United States made many promises in exchange for the priceless lands and natural resources we ceded. Over the last century and three generations of Indian people, the Federal bureaucracy for Indian Affairs has grown to the point that American Indian Tribes and their peoples were the most manipulated, controlled and managed peoples in America. Never would our forefathers have imagined that Tribal governments would become contractors, grantees and even vendors to receive Federal financial assistance. Or that Tribal leaders would be sent to scramble among the Federal Agencies seeking funding or that Tribal governments would be competing with each other as well as States, cities, and non-profit organizations for limited funds to be distributed to those with the best proposal writers.

Even as we all celebrated the achievements of Public Law 93-638, the Indian Self-Determination of 1975, the Bureau of Indian Affairs and Indian Health Service were busy drafting extensive rules and regulations to entangle and control us. Instead of these bureaucracies reducing in size as Tribal governments contracted to provide their own services, they actually grew and expanded with contract officers to oversee our administration. To add confusion, the BIA and IHS managed their 638 programs under different sets of rules

and regulations for the same law.

*• Tribal Self-Governance is a policy concept that provides Tribal governments the legitimate authority and empowerment to manage their own affairs. It is not another Federal program.*

When Tribal governments and Congress created the Self-Governance Demonstration Project as Title III to Public Law 100-472 in 1988, we were seeking to streamline the process of providing Federal assistance through the BIA to Tribes; negotiate our share of the BIA "programs, services, functions and activities" with the Interior Department as governments; and manage our Tribal services and development with minimal Federal involvement. As governments, we negotiate both the funding and the responsibilities we choose to administer. Instead of twenty 638 contracts or grants, our negotiated Compact of Self-Governance describes the responsibilities of both parties and the Annual Funding Agreement defines the source and amount of funds negotiated for Tribal administration.

Self-Governance is not another Federal program, but a policy concept that places Tribal Councils and Tribal governments in control of funding decisions, administrative responsibilities and future development rather than some bureaucrat. Instead of staff accountability to a Federal contract officer, Tribal staff are accountable to the Tribal Council for their achievements and future funding.

*• Stable Base Budgets provide for better planning, insulates Tribal funding from Federal reductions, and sets the stage for multi-year negotiated funding to improve resource management.*

Through stable base budgets, we hope to remove as much unpredictability as possible from the budget allocation process and strive to create a budgeting system that recognizes the logic of inflation considerations and the efficiencies involving long term planning.

*• The trust responsibility of the United States is maintained under Self-Governance. The trust responsibility is with the United States; not just the BIA and IHS.*

For those trust-related management functions we've assumed under Self-Governance, we have an annual trust evaluation to ensure that the Tribal

resources are being properly managed involving BIA, Office of Self-Governance and Tribal representatives.

*• Progress made and challenges ahead in making all Federal Departments and Agencies accountable to Indian Country.*

Federal Departments and Agencies have begun to establish policies and develop programs and assistance for Tribal governments.

The hard truth is that no overall policy exists across Federal Departments and Agencies to address the needs and concerns in Indian Country. This is a fault of ignorance, indifference and general Congressional and Federal Administration policies. It will be up to the Tribes, themselves, to educate and enlighten Congress and the Federal government. I will provide a few examples of how Tribes are excluded in the Federal policy and budget process.

## Tribal Justice Systems

Most Tribes rely on the BIA for law enforcement and court funding. The BIA budget policies, however, create further problems for Tribes in managing their affairs. With a \$9 million increase for law enforcement and a restoration of Indian Child Welfare in their FY 94 budget, the BIA has created almost certain increase in pressure for Tribal court services. Unfortunately, Tribes relying on 638 contracts will receive no budget increase for courts this year as the BIA didn't request funding and Congress disregarded Tribal justifications and appeals. Under Self-Determination, Tribal governments can't reallocate resources to the courts. Under Self-Governance, the Tribal Council simply adjusts its funding priorities.

Most Tribal leaders recall the Law Enforcement Assistance Administration (LEAA) funding through the Justice Department for Tribal law enforcement needs. In the early 1980's, the Reagan Administration abolished LEAA and replaced this program with other Federal funding designated for State and Local Units of Government. Unfortunately, the Office of Management and Budget does not include Tribal governments in this definition of government, so Tribes have been excluded from Justice Department assistance for over a decade.

*(Continued next page)*



# The Tribal Self-Governance Act of 1993

*The following comments by the Honorable U.S. Representative Bill Richardson of New Mexico were issued Monday, November 15, 1993:*

In 1988, the Congress considered, as part of the amendments to Public Law 93-638, the Indian Self-Determination Act, the Self-Governance Demonstration Project. The Tribal Self-Governance project was authorized by the Congress under title III of Public Law 100-472. The Self-Governance project allows participating Indian Tribes to enter into an annual funding agreement with the Secretary of the Interior. These agreements allow the Indian Tribes to plan, consolidate, and administer programs, services, and functions currently administered by the Bureau of Indian Affairs. It also allows tribes to redesign programs, functions, and services. The Self-Governance project provides Indian Tribes with the flexibility to develop programs and establish funding priorities to meet their specific needs.

Indian Tribes in the Self-Governance project are allocated funds pursuant to the annual agreements on the basis of what the Indian Tribes would have received from the Bureau of Indian Affairs in funds and services. These funds are allocated out of agency area, and central office accounts of the Bureau of Indian Affairs. In negotiating Self-Governance compacts, Indian Tribes are eligible to receive funds for programs, services, functions, and other activities as well as any direct program costs or indirect program costs incurred by the Secretary in delivering services to the Tribe and its members. Specifically exempted from the Self-Governance Project are funds from the Tribally Controlled Community College Assistance Act, the Indian School Equalization formula and the Flathead Irrigation Project.

In 1993, the Congress amended the demonstration project so that 10 additional Indian Tribes could participate and the project was

expanded to include the programs of the Indian Health Service.

The legislation I am introducing today makes the Self-Governance project a permanent part of Federal Indian policy. Our Subcommittee has heard from Indian Tribes across the country that the Self-Governance projection in the Department of the Interior is a tremendous success. We should now take the model at Interior and make it permanent. In future years, we will expand Self-Governance to other departments of the Federal Government.

The participating Tribes have told our Committee that the Self-Governance compacts provide true self-determination and allows the Tribes to prioritize spending as they see fit. Indian Tribes, not the BIA, are the best-equipped to determine the spending priorities and the needs of the Tribes. Under the Self-Governance concept, the BIA maintains its trust responsibility to Tribes, but the Tribes carry out BIA responsibilities. Of course, the Department of the Interior must continue to monitor these projects carefully. However, the Demonstration Project has shown the great capacity participating Tribes have for Self-Governance and they have acted responsibly in prioritizing their own spending.

This bill is the product of 200 years of failed Federal Indian policies, 18 years of capacity building under the Indian Self-Determination Act, and 5 years of experiment under the Self-Governance Demonstration Project.

The Self-Governance Act was a proposal developed in Indian Country by Indian Tribes themselves. It is the right direction at the right time. This bill is nothing less than the future of Indian affairs.

I urge my colleagues to support it.

## **RISLING** (Continued from page 5)

The Justice Department budget, according to a recent General Accounting Office report, increased from \$2.35 billion in FY '81 to \$10.4 billion in FY '92. Tribal governments did not receive any increased consideration. In the current Crime bill under Congressional consideration which will authorize an increased spending of \$22 billion over the next five years for State and local units of government, Senators Inouye and McCain successfully added a Senate provision authorizing Tribal government access to this assistance funding. No similar provision is in the House companion bill. Whether Tribes are included in the pending House-Senate conference in late January, 1994, will depend on how successfully we educate Congress.

### **Social Services**

Every Tribal Council realizes the shortage of funds available for social services through the BIA and IHS in comparison to need. Part of the problem is that the Reagan

Administration consolidated over forty Federal programs in the early 1980's, including programs providing direct funding to Tribes, cut the funding in half and distributed the remaining monies to States under the Social Service Block Grant program. Although Tribal populations are included in the State population formulas to determine formula allocation of these Block Grant funds, recent surveys indicate little, if any, of these monies are provided to Tribes. A number of Tribal governments are seeking a percentage allocation of these Social Services Block Grant funds directly for Tribes. Congress has not agreed to this earmark to date.

The same situation applies to the National Institute of Mental Health (NIMH) and the National Institute on Drug Abuse (NIDA) of the Department of Health and Human Services. Although each of these institutes expends over \$6 billion each annually, Tribal governments are not authorized to receive direct funding. We

all remember too well the sham when \$24 million was divided between the BIA and IHS several years ago for drug abuse with each Tribe required to develop its own plan. After the two bureaucracies consumed the majority of the monies for administration, Tribes received generally less than \$5,000 each for implementation. Again, it is an education responsibility of the Tribes to secure direct funding authorization through NIMH and NIDA.

These are only examples of Federal exclusion of Tribes from the Federal budget either due to a specific Department's decision to limit Tribal funding, an OMB determination that Tribes aren't eligible, or Congressional lack of authorization. The responsibility rests with the Tribes to correct these funding exclusions.

We can change Indian Affairs policy for the better if we share the vision, share the burdens, and take the journey, together, shoulder-to-shoulder, into the future.



# A Familiar Concept: The Self-Governance Process at Salt River

Because the Salt River Pima-Maricopa Indian Community in Arizona has been handling most of its own contracting since the "Buy Indian Days" of the early 1970's, the concept of Self-Governance is very familiar there. It truly appears to be a natural next step for the Tribe...one that it hopes will result in even greater governmental efficiency, progress toward self-determination and more influence in land management...without disrupting the trust responsibility of the U.S. government.

"We just received our planning grant in September, so we're still getting the feel for the specifics of the Self-Governance process," says Tribal Self-Governance Coordinator Earl Pearson. "And even though our extensive contracting experience seems to have made the process second nature to us for the most part, we have been having fun discovering that we really are responsible for managing the areas that the Bureau did take care of for us before."

Land management is a key area in which the Tribe hopes to see positive results from the Self-Governance process. Management of real estate has been very important to the Tribe for many years, and is clearly one of its priorities for the future. "We had the first Tribal realty contract in the country under 638," said Pearson. "And we did everything ourselves except appraisals and the management of the Federal trust function." The Tribe's government includes a highly efficient Planning Commission and a Land Board, and operates under a proactive development ordinance. The entire reservation is zoned, and the procedure for reservation development initiatives is truly comprehensive. "Leasing is big business for us," said Pearson. "It develops a major portion of the Tribe's annual income, and results in the employment of a lot of our people. But we have always recognized the significance of professionalism in our land management activities," he said. "That's why we have land management ordinances that require two hearings before our Land Board and our Council before our Council can take action on leases. If a zoning change is involved, another hearing is required."

With so many years experience managing 51,000-plus acres on the reservation (which, incidentally, shares a common border with the

city of Scottsdale, one of the most affluent cities in North America), the Tribe's approach to governmental management has had much in common with the Self-Governance concept. "Because of this, the transition to the Self-Governance process has, for the most part, not been a big deal to us. It does increase efficiency, though, if for no other reason than it reduces duplicative reporting requirements to the Bureau," said Pearson.

As with most Tribes, there are members who are hesitant to cut strings with the BIA, for fear of termination. "Many of us actually share that concern, just as we did when the 638 program came into being years ago," said Pearson. "I think it's probably a healthy concern, because it is so important for the Tribes to maintain a vigil on the Federal trust responsibility. It does, however, appear that the permanent Self-Governance legislation will continue to protect this relationship."

Pearson said there are some obvious advantages to getting away from negotiations with the BIA, particularly in Arizona where, in the fall of 1987, the *Arizona Republic* newspaper published the series of articles entitled "Fraud in Indian Country". These accounts alleged serious waste and mismanagement in the Bureau of Indian Affairs. The articles led to the oversight hearings held by U.S. Senator Sidney Yates, in which proposals were made which in turn led to the development of the Self-Governance Demonstration Project. "One of the net results of all this is that the BIA here in this state is very protective of itself...very protective. That makes it difficult to negotiate a land lease deal, for instance, when the BIA comes in and negotiates at 20 percent higher than anyone else," said Pearson.

"We are interested in developing income for the Tribe, employing Tribal members, protecting our land and resource base and achieving the highest possible level of self determination. Again, it appears that the Self-Governance process is a natural next step for us to take," he said.

Among other Tribal businesses are the second largest cement company within the state of Arizona and one of the state's largest sand and gravel operations. Another strong economic anchor of the Tribe's economy is one of the largest and most successful shopping centers in the state. Located on 160 acres owned by a Salt River Tribal member, the center consists of many major businesses, all of which provide income through the Tribe's sales and property tax structure. So it does appear that the Salt River Pima-Maricopa Indian Community in Arizona, and its 5500 members, have good reason to look forward to a positive, prosperous future...as a self-governed Tribe.



## THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY



The Salt River Pima-Maricopa Indian Community was created by Executive Order on June 14, 1879, by President Rutherford B. Hayes. The community is located in Maricopa County and lies aside the boundaries of Mesa, Tempe, Scottsdale,

Fountain Hills, and metropolitan Phoenix. The community consists of 52,600 acres, comprised mostly of agricultural lands. These lands harvest a variety of crops; i.e., cotton, watermelon, honeydew, casaba, cantaloupe, potato, brown onions, carrots, and other agricultural products.



## SENATOR JOHN McCAIN

(Continued from page 3)

There is no doubt in my mind that Self-Governance has been a success. One of the ways that I measure the success of Self-Governance is to see how hard the Federal bureaucracy will fight to maintain the "old ways". In this instance, and notwithstanding Secretary Babbitt's support of the Self-Governance demonstration project, the BIA continues to fight for the status quo.

I predict that over the next couple of months, between the close of the first session of the 103rd Congress and the beginning of the second session, the BIA will do everything in its power to sabotage the enactment of permanent Self-Governance legislation. Fortunately, Self-Governance has enjoyed longstanding bipartisan Congressional support. I am pleased to note that Congressman BILL RICHARDSON, Chairman of the House Subcommittee on Native American Affairs, recently introduced H.R. 3508, the companion bill to S. 1618. As Congressman RICHARDSON succinctly states:

*The Self-Governance Act was a proposal developed in Indian country by Indian Tribes themselves. It is the right direction at the right time. The bill is nothing less than the future of Indian affairs.*

I look forward to working with Chairman RICHARDSON next year to promptly consider and pass permanent Self-Governance legislation.

Mr. President, I urge my colleagues to support the passage of S. 1618.

## IHS Task Force Formed

An IHS Task Force was formed during a meeting in Las Vegas, November 10, 1993. The following people were nominated and appointed to the Task Force:

- Carolyn Michels, Chair
- Cyndi Holmes, Jamestown S'Klallam Tribe
- Dwayne Hughes, Absentee Shawnee
- Joe Tallakson, SENSE, Inc.
- Phil Baker-Shenk, Attorney
- Brent Simcoski, Squaxin Island
- Lindsay Manning, Shoshone Paiute
- Charles Head, Cherokee Nation

The work group is responsible for reviewing funding issues that were set aside by the Indian Health Service at previous Self-Governance negotiations. Distribution methodologies for those funding line items are to be developed before March 31, 1994.

The work group held its first meeting December 8-9, 1993, in Reno, Nevada. The purpose of the meeting was to identify IHS roles, draft a proposed format for looking at methodologies and coordinate Tribal ideas and participation. Meeting summaries will be provided to all Tribes that attended the Las Vegas meeting, as well as other interested parties.

The Task Force will meet with IHS and other PHS staff in early January in Rockville, Maryland. Please feel free to contact any Task Force member for further input, comments or information.



### Tribal Self-Governance Demonstration Project

#### SOVEREIGN NATIONS

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